

GI 5182A
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rod Hewick et al.

Group Art Unit : 1814

Serial No.: 07/800,364

Examiner : K. Furman

Filed : November 26, 1991

For : BONE AND CARTILAGE INDUCTIVE PROTEINS

August 2, 1993

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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DECLARATION OF DEPOSIT REQUIREMENTS

I, Ellen J. Kapinos, declare as follows:

1. That I am an attorney of record and Senior Patent Attorney of Genetics Institute, the assignee of the above-identified patent application;
2. That the cultures listed below have been deposited in the permanent culture collection of the American Type Culture Collection, 12031 Parklawn Drive, Rockville, Maryland, and the culture deposits meet the requirements of the Budapest Treaty for the purposes of patent procedure;
3. That said cultures have been accorded the accession numbers 75010 and 75011, prior to the filing date of the above-identified patent application;
4. That said cultures have been deposited under conditions which ensure that access thereto will be available during the pendency of the above-identified patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 AND 35 U.S.C. 122;
5. That upon issuance of a patent on the above-identified patent application Genetics Institute, Inc. will remove any restrictions as to public availability of the culture deposits, and

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will replace the same culture deposits should they become nonviable, during the period that extends thirty years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest; and

6. That I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief and believed to true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 10 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Genetics Institute, Inc.

Date: August 3, 1993

By: Ellen J. Kapinos
Ellen J. Kapinos
Senior Patent Attorney